UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF PLANNING, EVALUATION AND POLICY DEVELOPMENT

DEC 8 2010

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Dear (b)(6)

This is in response to your November 19, 2010, letter to Secretary Arne Duncan requesting assistance in receiving your son Stefano's (Student) medical records from Rumsey Hall School (School) or the School pediatrician, Dr. John Ewing. You state that the Student attended the School, a private boarding school, beginning in 2006. You have made several requests to the School and to Dr. Ewing for the Student's records, but the School has not provided you the requested records. You have also requested that the State of Connecticut Department of Public Health assist you in obtaining the medical records, but that agency informed you it could not help you because Connecticut law does not entitle you to access the records. Your letter was forwarded to this Office for response because we administer the Family Educational Rights and Privacy Act (FERPA). FERPA is a Federal law that addresses issues related to student education records.

FERPA affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

FERPA applies to educational agencies and institutions that receive Federal funds from programs administered by the U.S. Department of Education (Department). Because private and parochial schools at the elementary and secondary levels do not generally receive funds from the Department, FERPA does not apply to these schools. Private or independent schools that do **not** receive Federal funds from programs administered by the U.S. Department of Education and, thus, are not subject to FERPA may set their own policies regarding student records (pursuant to any State regulations/laws).

Based on the information you provided, it appears that the School is not subject to FERPA since it is a private school serving students in grades K-9. As explained above, we are unable to assist you with concerns relating to education records at a school to which FERPA does not apply. I regret we cannot be of assistance to you in this matter.

I trust this is helpful in explaining the scope and limitations of FERPA. A guidance document about FERPA is enclosed.

Sincerely,

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Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosure